

that comply with paragraph (b)(2) of this section shall:

(1) Complete engineering design for any physical modifications to the source needed to comply with the emissions standards of this subpart;

(2) Submit applicable construction applications to the applicable regulatory authority; and

(3) Enter into a binding contractual commitment to purchase, fabricate, and install any equipment, devices, and ancillary structures needed to comply with the emission requirements of this subpart.

(b) *Demonstration.* (1) Hazardous waste combustion sources shall submit to the regulatory authority a progress report on or before two years after the effective date of the emission standards of this subpart which contains information demonstrating that the source has met the requirements of paragraph (a) of this section. This information will be used by the regulatory authority to determine if the source has made adequate progress towards compliance with the applicable emission standards.

(2) Sources that intend to come into compliance with the emissions standards of this subpart, but can do so without undertaking any of the activities described in paragraph (a) of this section, shall submit documentation either:

(i) Demonstrating that the source, at the time of the progress report, is in compliance with the emissions requirements; or

(ii) Specifying the steps that will be taken to bring the source into compliance, without undertaking any of the activities listed in paragraphs (a)(1) through (3) of this section.

(3) Sources that fail to comply with paragraph (a) above or paragraph (b)(2) of this section shall stop burning hazardous waste on or before the date two years after the effective date of the emission standards of this subpart.

(c) *Schedule.* (1) The progress report shall contain a detailed schedule that lists key dates for all projects that will bring the source into compliance with the requirements of this subpart (i.e., key dates for the activities required under paragraphs (b)(1)(i) through (iii) of this section). Dates shall cover the

time frame from the progress report through the compliance date of the emission standards of this subpart.

(2) The schedule shall contain the following dates:

(i) Bid and award dates for construction contracts and equipment supply contractors;

(ii) Milestones such as ground breaking, completion of drawings and specifications, equipment deliveries, intermediate construction completions, and testing;

(iii) The dates on which applications were submitted for or obtained operating and construction permits or licenses;

(iv) The dates by which approvals of any permits or licenses are anticipated; and

(v) The projected date by which the source will be in compliance with the requirements of this subpart.

(d) *Notice of intent to comply.* The progress report shall contain a statement that the source intends or does not intend to come into compliance with the applicable emission control requirements of this subpart.

(e) *Sources that do not intend to comply.* (1) Sources that: indicated in their NIC their intent not to comply with this subpart and stop burning hazardous waste prior to the submittal of a progress report; or meet the requirements of paragraph (a)(1)(iv) of this section are not required to include the requirements of paragraphs (b) and (c) of this section to their progress report, but shall include in their progress report: the date on which the source stopped burning hazardous waste; and the date(s) on which RCRA closure documents were submitted.

(2) Those sources that signify in the progress report, submitted not later than two years after the effective date of the emission standards of this subpart, their intention not to comply with the requirements of this subpart must stop burning hazardous waste on or before the date two years after the effective date of the emission standards of this subpart.

#### § 63.1213 Certification.

(a) The Notice of Intent to Comply (NIC) and Progress Report submitted

shall contain the following certification signed and dated by an authorized representative of the source:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(b) An authorized representative should be a responsible corporate officer (for a corporation), a general partner (for a partnership), the proprietor (of a sole proprietorship), or a principal executive officer or ranking elected official (for a municipality, State, Federal, or other public agency).

**§ 63.1214 Extension of the compliance date.**

(a) A source that intends to come into compliance with the requirements of this subpart, but due to the installation of controls will not meet the compliance date, may request an extension of the compliance date for one year.

(b) Sources subject to this subpart shall follow the requirements of § 63.6(i)(4) or § 63.1216 to request an extension of the compliance date.

**§ 63.1215 Sources that become affected sources after the effective date of the emission standards of this subpart.**

(a) A source that begins to burn hazardous waste after the effective date of the emission standards of this subpart, therefore becoming an affected source, but prior to 9 months after the effective date of the emission standards of this subpart shall comply with all the requirements of §§ 63.1211 through 63.1213 and associated time frames for public meetings and document submissions.

(b) A source that intends to begin burning hazardous waste more than 9 months after the effective date of the emission standards of this subpart, therefore becoming an affected source, shall meet all the requirements of §§ 63.1211 through 63.1213 prior to burning hazardous waste.

(1) Such sources shall make a draft NIC available, notice their public meeting, hold their public meeting, and submit a final NIC prior to burning hazardous waste.

(2) Such sources also shall submit their progress report at the time of the submittal of their final NIC.

**§ 63.1216 Extension of the compliance date to install pollution prevention or waste minimization controls.**

(a) *Applicability.* The owner or operator of any source subject to the requirements of this subpart may request from the Administrator or State with an approved Title V program an extension of one year to comply with the emission standards in this subpart, if the owner or operator can reasonably document that the installation of pollution prevention or waste minimization measures will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the combustion device(s) subject to this subpart, and that the facility could not otherwise install the necessary control measures and comply within three years after the effective date of the emission standards of this subpart.

(b) *Requirements for requesting an extension.* Requests for a one-year extension must be in writing, must be received not later than 12 months before the affected source's compliance date, and must contain the following information:

(1) A description of pollution prevention or waste minimization controls that, when installed, will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the combustion device(s) subject to this subpart. Pollution prevention or waste minimization measures may include: equipment or technology modifications, reformulation or redesign of products, substitution of raw materials, improvements in work practices, maintenance, training, inventory control, or recycling practices conducted as defined in 40 CFR 261.1(c);

(2) A description of other pollution controls to be installed that are necessary to comply with the emission standards;